



STATE OF WISCONSIN Assembly Journal

Ninety–Second Regular Session

TUESDAY, February 13, 1996

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 732** offered by Representative Grothman.

Assembly amendment 1 to **Senate Bill 372** offered by committee on **Insurance, Securities and Corporate Policy**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 95–180

Relating to county relief programs funded by block grants. Submitted by Department of Health and Social Services . Report received from Agency on February 6, 1996. To committee on **Welfare Reform**. Referred on February 13, 1996.

Assembly Clearinghouse Rule 95–191

Relating to sport and commercial fishing and fish refuges. Submitted by Department of Natural Resources. Report received from Agency on February 6, 1996. To committee on **Tourism and Recreation**. Referred on February 13, 1996.

Assembly Clearinghouse Rule 95–213

Relating to the community development block grant portion of the Wisconsin development fund.

Submitted by Department of Development. Report received from Agency on February 8, 1996. To committee on **Small Business and Economic Development**. Referred on February 13, 1996.

Assembly Clearinghouse Rule 96–16

Relating to the duck zone boundary for migratory game bird hunting [covered in Report on [Clearinghouse Rule 95–196](#)].

Submitted by Department of Natural Resources. Report received from Agency on February 7, 1996. To committee on **Natural Resources**. Referred on February 13, 1996.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 870

Relating to: disclosures in certain motor vehicle leases and granting rule–making authority.

By Representatives Notestein, Goetsch, La Fave, Musser, Krug, Ziegelbauer, Seratti, Springer, F. Lasee, Baldwin, Williams, Robson, R. Young, Hasenohrl, Baldus, Bock, Hanson, Murat, Boyle, R. Potter and Black; cosponsored by Senators Burke, Clausing and Decker.

To committee on **Consumer Affairs**.

Assembly Bill 871

Relating to: the authority of a county to construct golf courses.

By Representatives Jensen, Lehman, Goetsch, Owens, Ward, Silbaugh, Freese, Skindrud, Olsen, Grothman and Albers; cosponsored by Senators Huelsman, Schultz, Welch, Cowles and A. Lasee.

To committee on **Urban and Local Affairs**.

Assembly Bill 872

Relating to: state banking law, the definition of public depository, residential and variable interest rate loans, granting rule–making authority and providing a penalty.

By Representatives Kaufert, R. Potter, Ward, Hoven, Ziegelbauer, F. Lasee, Meyer, Ourada, Baldus, Lehman, Hanson, Huebsch, Jensen, Musser, Kreibich, Gard, Handrick, Ott, Grothman, Hahn, Seratti, Olsen, Gronemus, Goetsch, Porter, Lorge, Johnsrud, Hutchison, Zukowski, Ainsworth, Klusman, Brandemuehl, Freese, Vrakas, Green, Ladwig, Silbaugh, Gunderson, Coleman, Travis, Nass, La Fave, Turner and Powers; cosponsored by Senators Darling, Drzewiecki, Breske, Andrea, Petak, Welch, Huelsman, Grobschmidt, George, Shibilski, Moen, Fitzgerald, Moore, Buettner, Rude, Zien, Burke, Panzer, Farrow, Cowles, Rosenzweig, C. Potter and Schultz.

To committee on **Financial Institutions**.

Assembly Bill 873

Relating to: criminal invasion of privacy, disorderly conduct and providing a penalty.

By Representatives Seratti, Musser, Plombon, Gard, Ourada, Porter, Dobyns, Goetsch, Olsen, Kreibich,

Ainsworth and Gunderson; cosponsored by Senators Petak and Clausing.

To committee on **Criminal Justice and Corrections.**

Assembly Bill 874

Relating to: bid requirements for public contracts.

By Representatives Seratti, Musser, Olsen, Ainsworth, Owens and Hahn; cosponsored by Senator Breske, by request of Village of Wittenberg.

To committee on **Urban and Local Affairs.**

Assembly Bill 875

Relating to: access by a child's substitute care provider to information Relating to any involvement of the child, whether as victim or perpetrator, in the worshipping of Satan or in sexual abuse.

By Representatives Seratti, Musser, Albers, Goetsch, Freese, Otte and Grothman.

To committee on **Children and Families.**

Assembly Bill 876

Relating to: carrying or displaying a firearm and providing a penalty.

By Representatives Johnsrud, Goetsch, Duff, Ziegelbauer, Plache, Foti, Handrick, Lehman, Ott, Olsen, Brandemuehl, Urban, Gronemus, Powers, Albers, Boyle, Kreibich, Ladwig, Freese, Vrakas, Ainsworth, Hahn, Harsdorf, F. Lasee, Kaufert and Prosser; cosponsored by Senators Darling, Rude, Buettner and Rosenzweig, by request of Governor Tommy G. Thompson.

To committee on **Criminal Justice and Corrections.**

Assembly Bill 877

Relating to: limitation of civil liability related to equine activities.

By Representatives Skindrud, Brancel, Freese, Ainsworth, Goetsch, Musser, Johnsrud, Hahn, Harsdorf, Silbaugh, Kreibich, F. Lasee, Olsen, Ourada, Wilder, Otte, Grothman and Seratti.

To committee on **Judiciary.**

Assembly Bill 878

Relating to: the establishment of a new library or participation in a joint library by a town and exemption from the county library levy of a city, town, village or school district.

By Representatives Skindrud, Jensen and Hasenohrl; cosponsored by Senators Welch and Wineke.

To committee on **Education.**

Assembly Bill 879

Relating to: changing the definition of a restaurant.

By Representatives Ainsworth, F. Lasee, Ott, Seratti, Johnsrud, Gronemus, Hahn, Olsen, Lehman, Wilder, Silbaugh, Goetsch, Zukowski, Brandemuehl, Hasenohrl, Musser, Grothman and Lorge; cosponsored by Senators Cowles, Panzer, Rude, Huelsman and Buettner.

To committee on **Small Business and Economic Development.**

Assembly Bill 880

Relating to: discontinuing the badger board and the badger fund.

By Representatives Reynolds, Seratti, Black and Ourada; cosponsored by Senators Decker and Breske.

To committee on **Environment and Utilities.**

Assembly Bill 881

Relating to: hunting approvals issued to persons born on or after January 1, 1973.

By Representatives Reynolds, Ainsworth, Albers, Kreuser, Powers, Gronemus, Lorge and Gunderson.

To committee on **Natural Resources.**

Assembly Bill 882

Relating to: delaying scheduled increases in the specified minimum percentage of postconsumer fiber contained in newsprint.

By Representatives Reynolds, Kreuser and Goetsch; cosponsored by Senator Schultz.

To committee on **Natural Resources.**

Assembly Bill 883

Relating to: the method of estimating the number of children residing in a school district for purposes of taking an annual school count.

By Representatives Nass, Goetsch, Musser, Grothman and Ward.

To committee on **Education.**

Assembly Bill 884

Relating to: distribution of additional school aid to certain school districts and making an appropriation.

By Representative Plombon.

To committee on **Education.**

Assembly Bill 885

Relating to: distribution of additional school aid to certain school districts and making an appropriation.

By Representative Plombon.

To committee on **Education.**

Assembly Bill 886

Relating to: distribution of additional school aid to certain school districts and making an appropriation.

By Representatives Plombon, Wilder, Turner, Baldus, Cullen, Reynolds, Bell, Gronemus and Hasenohrl; cosponsored by Senator Moen.

To committee on **Education.**

Assembly Bill 887

Relating to: a limitation upon the payment of legislative per diem allowances.

By Representatives Wilder and Baumgart.

To committee on **Assembly Organization.**

Assembly Bill 888

Relating to: office expenses authorized for members of the legislature.

By Representatives Wilder and Baumgart.

To committee on **Assembly Organization.**

February 8, 1996

Charlie Sanders, Chief Clerk
Wisconsin State Assembly
1 East Main Street
Suite 402
Madison, Wisconsin 53708

Dear Mr. Sanders:

On February 5, 1996, **Senate Bill 76**, relating to changes in the laws regulating fireworks and granting rule-making authority, was referred to the Assembly Committee on Small Business and Economic Development. Pursuant to the authority provided by Assembly Rule 42(3)(c), I hereby withdraw **Senate Bill 76** from the Committee on **Small Business and Economic Development** and rerefer it to the Assembly Committee on **State Affairs**.

Representative Lorraine Seratti, chairman of the Assembly Committee on **Small Business and Economic Development**, has consented to this rereferral.

Thank you for your attention to this matter.

Very truly yours,
DAVID PROSSER, JR.
Assembly Speaker

February 9, 1996

Charlie Sanders, Chief Clerk
Assembly Chief Clerk
1 East Main Street, Suite 402
Madison, Wisconsin 53708

Dear Charlie:

Pursuant to Assembly Rule 42(3)(c), I am withdrawing **Senate Bill 204** from the Assembly Committee on **Criminal Justice and Corrections** and rereferring it to the Assembly Committee on **Rules**.

Sincerely,
DAVID PROSSER, JR.
Assembly Speaker

COMMITTEE REPORTS

The committee on **Agriculture** reports and recommends:

Assembly Bill 760

Relating to: bringing honeybees and related items into this state and granting rule-making authority.

Passage:

Ayes: 14 – Representatives Ott, Ward, Ainsworth, Zukowski, Otte, Skindrud, Hahn, Olsen, Gronemus, Baldus, Reynolds, Springer, Wilder and Dueholm.

Noes: 0.

To committee on **Rules**.

Senate Bill 320

Relating to: claims for damages by dogs to animals.

Concurrence:

Ayes: 14 – Representatives Ott, Ward, Ainsworth, Zukowski, Otte, Skindrud, Hahn, Olsen, Gronemus, Baldus, Reynolds, Springer, Wilder and Dueholm.

Noes: 0.

To committee on **Rules**.

Senate Bill 470

Relating to: substituting “phosphate” for “phosphoric acid” in the fertilizer control law, prohibited practices in installing, servicing, testing or calibrating weights and measures and due dates for payment of tonnage fees (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

Concurrence:

Ayes: 14 – Representatives Ott, Ward, Ainsworth, Zukowski, Otte, Skindrud, Hahn, Olsen, Gronemus, Baldus, Reynolds, Springer, Wilder and Dueholm.

Noes: 0.

To committee on **Rules**.

ALVIN OTT
Chairperson
Committee on Agriculture

The special committee on **Controlled Substances** reports and recommends:

Assembly Bill 816

Relating to: charging a person with a 2nd or subsequent violation of certain laws concerning controlled substances.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Otte, Grothman, Green, Huber, Cullen and Baldwin.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Otte, Grothman, Green, Huber, Cullen and Baldwin.

Noes: 0.

To committee on **Rules**.

CLIFFORD OTTE
Chairperson
Special committee on Controlled Substances

The committee on **Health** reports and recommends:

Senate Bill 340

Relating to: the members of an examining board entitled to vote to suspend or revoke a credential issued by the examining board, the requirements for licensure as a podiatrist and continuing education requirements for podiatrists.

Concurrence:

Ayes: 17 – Representatives Underheim, Urban, Johnsrud, Freese, Walker, Lazich, Zukowski, Jensen, F. Lasee, Handrick, Carpenter, Bock, Huber, Springer, Wirch, Meyer and Wasserman.

Noes: 0.

To committee on **Rules**.

GREGG UNDERHEIM
Chairperson
Committee on Health

The committee on *Labor and Employment* reports and recommends:

Assembly Bill 502

Relating to: the calculation of a retirement annuity for educational support personnel employees participating in the Wisconsin retirement system.

Assembly amendment 1 adoption:

Ayes: 13 – Representatives Vrakas, Walker, Nass, Ladwig, Lazich, Grothman, Hoven, Freese, Baumgart, Turner, Reynolds, Morris–Tatum and Wirch.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Vrakas, Walker, Nass, Ladwig, Lazich, Grothman, Hoven, Freese, Baumgart, Turner, Reynolds, Morris–Tatum and Wirch.

Noes: 0.

To committee on **Rules**.

Assembly Bill 829

Relating to: wages for Wisconsin conservation corps crew leaders.

Passage:

Ayes: 14 – Representatives Vrakas, Walker, Nass, Ladwig, Lazich, Grothman, Hoven, Freese, Vander Loop, Baumgart, Turner, Reynolds, Morris–Tatum and Wirch.

Noes: 0.

To committee on **Rules**.

Assembly Bill 860

Relating to: immunity from civil liability for an employer who, in good faith, provides a reference concerning a current or former employe.

Passage:

Ayes: 12 – Representatives Vrakas, Walker, Nass, Ladwig, Lazich, Grothman, Hoven, Freese, Vander Loop, Turner, Reynolds and Wirch.

Noes: 2 – Representatives Baumgart and Morris–Tatum.

To committee on **Rules**.

DANIEL VRAKAS
Chairperson
Committee on Labor and Employment

The committee on *State Affairs* reports and recommends:

Assembly Bill 491

Relating to: designation of a State Fire Fighters Memorial and a State Police and Fire Fighters Hall of Fame.

Passage:

Ayes: 9 – Representatives Skindrud, Musser, Silbaugh, Coleman, Gunderson, L. Young, Wood, Baumgart and Ryba.

Noes: 0.

To committee on **Rules**.

Assembly Bill 653

Relating to: requirements for claiming a prize at a raffle conducted under a Class B license.

Passage:

Ayes: 7 – Representatives Skindrud, Musser, Silbaugh, Coleman, Gunderson, L. Young and Wood.

Noes: 2 – Representatives Baumgart and Ryba.

To committee on **Rules**.

RICK SKINDRUD
Chairperson
Committee on State Affairs

The committee on *Veterans and Military Affairs* reports and recommends:

Assembly Bill 16

Relating to: granting credit for the payment of postretirement health insurance premiums under the state group health insurance program for accumulated unused sick leave earned for service in Wisconsin as a national guard technician prior to 1966 and making an appropriation.

Passage:

Ayes: 9 – Representatives Musser, Zukowski, Dobyns, Skindrud, Lorge, Ryba, Boyle, Baldus and Vander Loop.

Noes: 0.

To joint committee on **Finance**.

TERRY MUSSER
Chairperson
Committee on Veterans and Military Affairs

SPEAKER'S APPOINTMENTS

February 9, 1996

Representative Rebecca Young
Room 119 North, State Capitol
Madison, Wisconsin 53702

Dear Representative Young:

Due to the resignation of Representative Richard Grobschmidt from the Assembly, it is my pleasure as Speaker

to appoint you as a member of the Assembly Committee on **Education**.

The appointment is effective immediately.

Sincerely,
DAVID PROSSER, JR.
Speaker

AGENCY REPORTS

State of Wisconsin
Department of Regulation and Licensing
Medical Examining Board
Madison

January 19, 1996

To the Honorable, the Assembly:

Wisconsin Act 180, which became effective on April 29, 1992, changed the requirements for a certificate to practice as a physician assistant. The Act created sec. 448.05(5)(a) 1 & 2, Stats., to require that an applicant for a certificate must be certified to assist primary care physicians by the National Commission on Certification of Physician Assistants, and that the applicant must have satisfactorily completed a physician assistant training program approved by the board. The board by rule established that an approved educational program is one accredited and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

Nonstatutory provisions of the Act provided that notwithstanding the requirements of sec. 448.05 (5)(a), Stats., the board was to grant certification to applicants who applied prior to July 1, 1993, and who met the requirement at sec. 448.05 (5)(a)1, Stats., but who did not meet the requirements of sec. 448.05 (5)(a)2, Stats. The board was required to record the qualifications of persons qualifying under this provision, including the evidence satisfying the board that the applicant had experience or informal training substantially equivalent to an approved formal training program, and had completed a physician assistant education program not approved by the board. Finally, the board was to report to the legislature by March 1, 1993, the number of applicants approved for certification under the nonstatutory provisions, which report was to include the board's evaluation of the applicants' qualifications, and any recommendations for changing the requirements for certification of physician assistants.

Only one applicant for certification as a physician assistant was granted certification under the nonstatutory provisions of Wisconsin Act 180. Mark Avery Helgeson was granted certificate #682 on November 19, 1992, based upon his having been granted an associate degree in science from St. Cloud State University, St. Cloud, Minnesota, on February 19, 1976, and upon his having practiced as a registered physician assistant in the State of Minnesota since September 12, 1987. Mr. Helgeson had successfully completed the Physician Assistant National Certifying Examination administered by the National Commission of Physician

Assistants, Inc., and was granted certification by the national commission on January 15, 1981.

Based upon the limited experience with applicants applying under the nonstatutory provisions of [1991 Wisconsin Act 180](#), the Medical Examining Board has no recommendation for changing the requirements for certification as a physician assistant under sec. 448.05(5), Stats.

Sincerely,
CLARK O. OLSEN, M.D.
Chairman
Medical Examining Board

Date: January 22, 1996

To: State Agency Financial Managers

From: William J. Raftery, CPA
State Controller
Department of Administration

Subject: **Quarterly Accounts Receivable Reporting/
Referral of Delinquent Accounts to Statewide
Collection Agents**

All agencies are required to submit a quarterly accounts receivable aging schedule for each receivable type that they manage. Please submit these reports by the end of the month following the quarter. The reports for 12/31/95 are due by Wednesday, January 31st. Attached is a copy of the report and instructions. Also attached is a listing of all accounts receivable types reported for the 9/30/95 quarter.

All agencies that do not have existing contracts with collection agents are required to refer their delinquent accounts through the Statewide Collection Agent Contract. To do this, contact Chris Schwass in the State Controller's Office at 266-6820. Your accounts will be assigned to a collection agent by DOA. Once your accounts are assigned, the collection agent will contact you directly to arrange for the actual transfer of delinquent account information. Agencies are expected to aggressively refer their delinquent accounts when it is in the best interest of the state to do so.

If you have any questions about your accounts receivable reports or delinquent account referrals, please contact Jeff Anderson at 266-8347.

State of Wisconsin
Legislative Audit Bureau
Madison

January 23, 1996

To the Honorable, the Legislature:

We have completed our review of the Preadmission Screening and Annual Resident Review (PASARR) process, which is administered by the Department of Health and Social Services. The process, which is federally required for all states participating in the Medical Assistance (MA) program, is used to screen nursing home applicants and residents for

serious mental illness and developmental disabilities. PASARR screening requirements apply to both MA and privately paying individuals. The Department expended a total of \$5.1 million on the program in 1994, \$3.9 million of which was paid to five contractors.

Although some of the federal requirements, such as requiring every nursing home resident to be screened annually for developmental disability, appear to be unnecessary, it appears the Department has little latitude in implementing the program. It is evident, however, that the Department should have exercised more control over the establishment of reimbursement rates for the provision of second-level screening. Because control was limited, three of the five contractors were apparently overcompensated by more than \$1.5 million in 1994. Of this amount, more than \$1.2 million was paid to one contractor. According to an audit filed with the Department by the contractor, its sole officer was compensated more than \$1 million in 1994, with additional payments made for payroll taxes and retirement benefits.

The Department is currently seeking to recoup the overpayments. However, two of the three contractors, including the contractor from which the Department is seeking to recoup more than \$1.2 million, have challenged the Department's authority to recoup any of the funds. According to department staff, the third contractor, from which the Department is seeking \$200,514, is working cooperatively to reach a settlement. It is expected that the Department will undertake a similar recoupment effort for the 1995 contract year because identical contracts were in place.

Finally, although the Department has developed a data base designed to provide information about the outcomes of the PASARR program, the information generated is inconsistent. Therefore, it is not possible to provide definitive information about the outcomes of the screening process, such as how many individuals were removed or diverted from nursing homes as a result of it.

We appreciate the courtesy and cooperation extended to us by staff of the Department of Health and Social Services during the course of this review.

Respectfully submitted,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

January 29, 1996

To the Honorable, the Legislature:

As part of our ongoing audit of the Department of Transportation, we have reviewed the administration and funding of the State's railroad crossing safety program. Both the Department of Transportation and the Office of the Commissioner of Railroads share responsibility for the safety of 4,792 public railroad crossings in Wisconsin, which include safety equipment such as railroad warning signs,

side-of-the-road or overhead flashing lights, and barrier gates.

From 1974 through 1994, the number of vehicle/train accidents declined from 401 to 165, or 0.1 percent of all vehicle accidents in 1994, and the fatality rate in Wisconsin is lower than the national rate and the rates of other midwestern states. However, Wisconsin's accident and injury rates per 1,000 crossings are higher than the national average and those of most neighboring states. Further, economic costs and the chances of serious injury or death are substantially higher in accidents that involve vehicles and trains than in those that involve vehicles alone.

While the Department has, in recent years, allocated federal funds to railroad crossing safety projects in addition to the federal and state funds appropriated for this purpose, this practice may end because of anticipated demands on federal funds for other transportation purposes. For each year of the 1995-97 biennium, expenditures for new crossing safety equipment are estimated at \$2.4 million, continuing the decline in program expenditures from the program's peak year, fiscal year (FY) 1992-93, when \$3.6 million was spent. Equipment maintenance funds will remain at FY 1993-94 levels.

At the same time, a growing waiting list of projects identified by the Office of the Commissioner of Railroads includes 34 safety projects with estimated costs of \$2.9 million. Another 60 projects await review, which is likely to result in approval of approximately 15 projects with an estimated cost totaling \$1.1 million. In addition, the Department has initiated an effort to review safety at all crossings over the next three years.

Alternative sources of funding to provide safety equipment at more crossings may include federal discretionary funds, federal highway safety funds, state funds currently used to reimburse railroad companies for maintenance of safety equipment, local funds when the additional safety equipment results from local road improvement projects, or other funds from the Transportation Fund.

Attached is a more complete discussion of our findings with regard to railroad crossing safety equipment. We appreciate the courtesy and cooperation extended to us by staff of the Department of Transportation and the Office of the Commissioner of Railroads.

Respectfully submitted,
DALE CATTANACH
State Auditor

State of Wisconsin
Department of Administration
Madison

January 30, 1996

To the Honorable, the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172 (3) Stats.), and

confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of December, 1995.

On December 1, 1995 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$4 thousand. This shortfall continued until December 31, 1995 when the balance reached -\$22 thousand. The shortfall was due to the timing of revenues to the fund.

The Wisconsin Health Education Loan Repayment Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,
JAMES R. KLAUSER
Secretary, DOA

State of Wisconsin
Legislative Council Staff
Madison

February 9, 1996

Mr. Charles Sanders
Assembly Chief Clerk
One East Main Street, Suite 402
Madison, WI 53702

Dear Charlie:

Enclosed is a copy of the 1995 Annual Report on the Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15 (5), Stats. Copies have been distributed to the offices of each member of the Legislature.

The Report covers the 16th full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,
DAVID J. STUTE
Director